

MANDATE

United States Court of Appeals For the First Circuit

04-12401
USA NA
Judge Lindley

No. 06-1962

DERECK JACKSON,
Petitioner, Appellant,
v.
UNITED STATES,
Respondent, Appellee.

Before

Torruella, Circuit Judge,
Selya, Senior Circuit Judge,
Lipez, Circuit Judge.

JUDGMENT

Entered: January 24, 2008

Petitioner Dereck Jackson seeks a certificate of appealability following denial of his § 2255 claims in the district court. After pleading guilty to bank robbery, Jackson was sentenced as a career offender in the United States District Court for the District of Massachusetts. Jackson now argues that his sentencing as a career offender violated his rights under United States v. Booker, 543 U.S. 220 (2005) and the Constitution. The argument is contrary to settled law. Jackson also contends that he did not receive fair notice of the fact that his prior criminal convictions would be used as predicates for sentencing him as a career offender. The contention is flatly contradicted by the transcript of Jackson's guilty plea hearing. Jackson's other claims, including his allegations of ineffective assistance from counsel, are wholly derivative of these false antecedents and so must fail, as well.

As Jackson has failed to make a "substantial showing of the denial of a constitutional right," 28 U.S.C. § 2253(c)(2), the request for a certificate of appealability is denied. The appeal

is terminated.

By the Court:

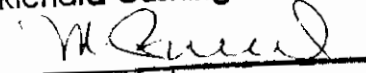
Richard Cushing Donovan, Clerk.

MARGARET CARTER

By: _____
Chief Deputy Clerk.

certified and Issued as Mandate
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk


Deputy Clerk

Date: 3/18/08

[cc: Dereck Jackson, Timothy Feeley, AUSA, Dina Chaitowitz, AUSA]